



Statute Law Revision Act (No. 2) 2015

No. 145, 2015

An Act to make various amendments of the statute law of the Commonwealth, to repeal certain obsolete Acts, and for related purposes

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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Statute Law Revision Act (No. 2) 2015

No. 145, 2015

An Act to make various amendments of the statute law of the Commonwealth, to repeal certain obsolete Acts, and for related purposes

[Assented to 12 November 2015]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Statute Law Revision Act (No. 2) 2015*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
|---|---|---------------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. | 12 November 2015 |
| 2. Schedule 1 | The 28th day after this Act receives the Royal Assent. | 10 December 2015 |
| 3. Schedule 2, items 1 to 3 | The 28th day after this Act receives the Royal Assent. | 10 December 2015 |
| 4. Schedule 2, item 4 | Immediately after the commencement of section 2 of the <i>Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014</i> . | 3 November 2014 |
| 5. Schedule 2, item 5 | The 28th day after this Act receives the Royal Assent. | 10 December 2015 |
| 6. Schedule 2, Part 2 | Immediately after the time specified in the <i>Civil Aviation Legislation Amendment (Flight Crew Licensing) Regulation 2014</i> for the commencement of the Regulation. | 1 September 2014 |
| 7. Schedules 3 to 6 | The 28th day after this Act receives the Royal Assent. | 10 December 2015 |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

- (1) Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
- (2) The amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.

Schedule 1—Amendments of principal Acts

Aged Care Act 1997

1 Subsection 42-2(3) (note)

Omit “section 58-6”, substitute “section 52C-5”.

Note: This item fixes an incorrect cross-reference.

Agricultural and Veterinary Chemicals Code Act 1994

2 Subsection 5(1) of the Code set out in the Schedule

Omit “an veterinary chemical product”, substitute “a veterinary chemical product”.

Note: This item fixes a grammatical error.

3 Paragraph 167(1)(c) of the Code set out in the Schedule

Omit “a decision under subsection 26C(2) to refuse an application”, substitute “a decision under paragraph 26C(1)(b) to refuse an application”.

Note: This item fixes an incorrect cross-reference.

Australian Grape and Wine Authority Act 2013

4 Subclauses 9(2) and (3) and 10(6) of the Schedule

Omit “subsection” (wherever occurring), substitute “subclause”.

Note: This item fixes a reference to an incorrect concept.

Carbon Credits (Carbon Farming Initiative) Act 2011

5 Subsection 97(10)

Omit “benchmark storage level”, substitute “benchmark sequestration level”.

Note: This item fixes a reference to an incorrect concept.

Dairy Produce Act 1986

6 Subclause 43(3) of Schedule 2 (note)

Omit “paragraph (3)(a), (b), (e) or (f)”, substitute “paragraph (3)(a) or (b)”.

Note: This item omits redundant references.

Federal Circuit Court of Australia Act 1999

7 Subsection 20(2) (paragraph (a) of the note)

Omit “section “94AAA of the *Family Law Act 1975*”, substitute “section 94AAA of the *Family Law Act 1975*”.

Note: This item fixes a punctuation error.

Imported Food Control Act 1992

8 Subsection 3(1) (definition of *national standard*)

Repeal the definition, substitute:

national standard, in relation to a particular food or a particular matter affecting food, means a standard relating to that food or matter that is included in the Australia New Zealand Food Standards Code.

Note: This item substitutes a definition to remove a redundant paragraph.

Industrial Chemicals (Notification and Assessment) Act 1989

9 Paragraph 100C(1)(a)

Omit “object”, substitute “objects”.

Note: This item fixes a grammatical error.

Personal Property Securities Act 2009

10 Paragraph 158(1)(b) (first occurring)

Reletter as paragraph (a).

Note: This item reletters a paragraph.

Plant Health Australia (Plant Industries) Funding Act 2002

11 Subsection 9(5)

Omit all the words after “subsection (2)),”, substitute “subsection 16(7) or paragraph 17(2)(d) (as the case requires) of the *Horticulture Marketing and Research and Development Services Act 2000* applies to the refunded amount, to the extent of the excess”.

Note: This item substitutes text in a subsection to remove a redundant paragraph.

Remuneration Tribunal Act 1973

12 Paragraph 7(9)(ad)

Omit “to be paid”, substitute “be paid”.

Note: This item fixes a grammatical error.

Sex Discrimination Act 1984

13 Paragraph 106(1)(a)

Omit “Divison”, substitute “Division”.

Note: This item fixes a spelling error.

South Pacific Nuclear Free Zone Treaty Act 1986

14 Subsections 17(1), (2) and (3) and 34(1) and (3)

Omit “*Nuclear Non-Proliferation (Safeguards) Act 1986*”, substitute “*Nuclear Non-Proliferation (Safeguards) Act 1987*”.

Note: This item fixes incorrect citations of a short title of an Act.

Surveillance Devices Act 2004

15 Paragraph 45(7)(b)

Omit “within the meaning if the *Intelligence Services Act 2001*”, substitute “within the meaning of the *Intelligence Services Act 2001*”.

Note: This item fixes a typographical error.

Telecommunications Act 1997

16 Paragraph 1(jb) of Schedule 4

Repeal the paragraph.

Note: This item repeals a redundant paragraph.

Telstra Corporation Act 1991

17 Section 3 (definition of *Transport Department*)

Repeal the definition.

Note: This item repeals a redundant definition.

18 Section 3 (definition of *Transport Minister*)

Repeal the definition.

Note: This item repeals a redundant definition.

Schedule 2—Amendments of amending laws

Part 1—Amendments of amending Acts

Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992

1 Division 2 of Part 2 (heading)

Repeal the heading.

Note: This item repeals a redundant Division heading.

2 Division 4 of Part 2 (heading)

Repeal the heading.

Note: This item repeals a redundant Division heading.

3 Part 3 (heading)

Repeal the heading.

Note: This item repeals a redundant Part heading.

Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014

4 Subsection 2(1) (table item 6, column 2)

Omit “table item 1”, substitute “table item 5”.

Note: This item fixes a misdescribed amendment.

Medibank Private Sale Act 2006

5 Subitem 20(10) of Schedule 2

Omit “section”, substitute “Section”.

Note: This item fixes a typographical error.

Part 2—Amendments of amending Regulations

Civil Aviation Legislation Amendment (Flight Crew Licensing) Regulation 2014

6 Section 2

After “commencement of”, insert “Schedule 1 to”.

Schedule 3—Binding the Crown

Aboriginal and Torres Strait Islander Heritage Protection Act 1984

1 Section 6

Repeal the section, substitute:

6 Act binds the Crown

This Act binds the Crown in each of its capacities.

Advance Australia Logo Protection Act 1984

2 Section 4

Omit “this Act binds the Crown in right of the Commonwealth, of each of the States, of the Northern Territory and of Norfolk Island”, substitute “this Act binds the Crown in each of its capacities”.

Air Navigation Act 1920

3 Section 2A

Repeal the section, substitute:

2A Act binds the Crown

This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.

4 Section 24

Omit “Nothing in this Act shall be taken to subject the Crown in right of the Commonwealth, of a State or of the Northern Territory to liability to be prosecuted for an offence”, substitute “This Act does not make the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory liable to be prosecuted for an offence”.

Antarctic Marine Living Resources Conservation Act 1981

5 Subsections 4(1) and (2)

Repeal the subsections, substitute:

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

Atomic Energy Act 1953

6 Section 6

Repeal the section, substitute:

6 Act binds the Crown

- (1) This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.
- (2) This Act does not make the Crown in right of the Commonwealth, of a State, of the Australian Capital Territory or of the Northern Territory liable to be prosecuted for an offence.

Bankruptcy Act 1966

7 Section 8

Repeal the section, substitute:

8 Act binds the Crown

This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.

Biological Control Act 1984

8 Section 6

Repeal the section, substitute:

6 Act binds the Crown

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

Cheques Act 1986

9 Section 9

Repeal the section, substitute:

9 Act binds the Crown

This Act binds the Crown in each of its capacities.

Crimes (Biological Weapons) Act 1976

10 Section 6

Repeal the section, substitute:

6 Act binds the Crown

This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.

Currency Act 1965

11 Section 6

Repeal the section, substitute:

6 Act binds the Crown

This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.

Environment Protection (Sea Dumping) Act 1981

12 Subsection 8(1)

Repeal the subsection, substitute:

(1A) This Act binds the Crown in each of its capacities.

(1) This Act does not make the Crown liable to be prosecuted for an offence.

Explosives Act 1961

13 Section 6

Omit “This Act binds the Crown in right of the Commonwealth or of a State”, substitute “This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory”.

Export Control Act 1982

14 Section 4

Repeal the section, substitute:

4 Act binds the Crown

This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.

Export Inspection and Meat Charges Collection Act 1985

15 Section 3B

Repeal the section, substitute:

3B Act binds the Crown

This Act binds the Crown in right of each of the States, of the Australian Capital Territory, of the Northern Territory and of Norfolk Island.

***Export Inspection (Establishment Registration Charges) Act
1985***

16 Section 5

Repeal the section, substitute:

5 Act binds the Crown

This Act binds the Crown in right of each of the States, of the Australian Capital Territory, of the Northern Territory and of Norfolk Island.

Export Inspection (Quantity Charge) Act 1985

17 Section 5

Repeal the section, substitute:

5 Act binds the Crown

This Act binds the Crown in right of each of the States, of the Australian Capital Territory, of the Northern Territory and of Norfolk Island.

Export Inspection (Service Charge) Act 1985

18 Section 5

Repeal the section, substitute:

5 Act binds the Crown

This Act binds the Crown in right of each of the States, of the Australian Capital Territory, of the Northern Territory and of Norfolk Island.

Fringe Benefits Tax Act 1986

19 Section 4

Repeal the section, substitute:

4 Act binds the Crown

This Act binds the Crown in right of each of the States, of the Australian Capital Territory, of the Northern Territory and of Norfolk Island.

Great Barrier Reef Marine Park Act 1975

20 Section 4

Repeal the section, substitute:

4 Act binds the Crown

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to a pecuniary penalty or to be prosecuted for an offence.

Historic Shipwrecks Act 1976

21 Section 4

Repeal the section, substitute:

4 Act binds the Crown

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

Income Tax (Offshore Banking Units) (Withholding Tax Recoupment) Act 1988

22 Section 5

Repeal the section, substitute:

5 Act binds the Crown

This Act binds the Crown in each of its capacities.

International Arbitration Act 1974

23 Section 2B

Repeal the section, substitute:

2B Act binds the Crown

This Act binds the Crown in each of its capacities.

Lands Acquisition Act 1989

24 Section 4

Repeal the section, substitute:

4 Act binds the Crown

This Act binds the Crown in each of its capacities.

National Measurement Act 1960

25 Section 5

Omit “This Act binds the Crown in right of the Commonwealth, of each of the States, of the Northern Territory and of Norfolk Island”, substitute “This Act binds the Crown in each of its capacities”.

Nuclear Non-Proliferation (Safeguards) Act 1987

26 Section 7

Repeal the section, substitute:

7 Act binds the Crown

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

Passenger Movement Charge Collection Act 1978

27 Section 4

Repeal the section, substitute:

4 Act binds the Crown

This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.

Proceeds of Crime Act 1987

28 Section 11

Repeal the section, substitute:

11 Act binds the Crown

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

Protection of Movable Cultural Heritage Act 1986

29 Section 4

Repeal the section, substitute:

4 Act binds the Crown

This Act binds the Crown in each of its capacities.

Protection of the Sea (Civil Liability) Act 1981

30 Section 4

Repeal the section, substitute:

4 Act binds the Crown

This Act binds the Crown in each of its capacities.

Protection of the Sea (Powers of Intervention) Act 1981

31 Subsections 4(1) and (2)

Repeal the subsections, substitute:

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

Protection of the Sea (Prevention of Pollution from Ships) Act 1983

32 Subsections 4(1) and (2)

Repeal the subsections, substitute:

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

Racial Discrimination Act 1975

33 Section 6

Repeal the section, substitute:

6 Act binds the Crown

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

Sea Installations Act 1987

34 Section 9

Repeal the section, substitute:

9 Act binds the Crown

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

Shipping Registration Act 1981

35 Section 5

Repeal the section, substitute:

5 Act binds the Crown

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

South Pacific Nuclear Free Zone Treaty Act 1986

36 Section 7

Repeal the section, substitute:

7 Act binds the Crown

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

Submarine Cables and Pipelines Protection Act 1963

37 Section 6

Omit “This Act binds the Crown in right of the Commonwealth or of a State”, substitute “This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory”.

Telecommunications (Interception and Access) Act 1979

38 Section 4

Repeal the section, substitute:

4 Act binds the Crown

This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.

Schedule 4—Terminology changes

Part 1—Indexation provisions

Aboriginal and Torres Strait Islander Act 2005

1 Paragraphs 192Y(4)(a) and (b)

Omit “reference base”, substitute “index reference period”.

Authorised Deposit-taking Institutions Supervisory Levy Imposition Act 1998

2 Paragraphs 8(3)(a) and (b)

Omit “reference base”, substitute “index reference period”.

Authorised Non-operating Holding Companies Supervisory Levy Imposition Act 1998

3 Paragraphs 8(3)(a) and (b)

Omit “reference base”, substitute “index reference period”.

Bankruptcy Act 1966

4 Subsection 304A(11)

Omit “reference base” (wherever occurring), substitute “index reference period”.

Commonwealth Electoral Act 1918

5 Subsection 321(3)

Omit “reference base” (wherever occurring), substitute “index reference period”.

6 Paragraphs 321A(6)(a) and (b)

Omit “reference base”, substitute “index reference period”.

***Defence Force Retirement and Death Benefits (Pension
Increases) Act 1976***

7 Subsection 5(3)

Omit “reference base” (wherever occurring), substitute “index reference period”.

Education Services for Overseas Students Act 2000

8 Subsection 171(8)

Omit “reference base” (wherever occurring), substitute “index reference period”.

***Education Services for Overseas Students (Registration
Charges) Act 1997***

9 Subsection 7(5)

Omit “reference base” (wherever occurring), substitute “index reference period”.

***Education Services for Overseas Students (TPS Levies) Act
2012***

10 Subsection 8(6)

Omit “reference base” (wherever occurring), substitute “index reference period”.

Fringe Benefits Tax Assessment Act 1986

11 Subsection 28(3)

Omit “reference base” (wherever occurring), substitute “index reference period”.

12 Subsection 39A(4)

Omit “reference base” (wherever occurring), substitute “index reference period”.

13 Subsection 60AA(3)

Omit “reference base” (wherever occurring), substitute “index reference period”.

14 Subsection 135C(7) (heading)

Repeal the heading, substitute:

Changed index reference period

15 Subsection 135C(7)

Omit “reference base” (wherever occurring), substitute “index reference period”.

General Insurance Supervisory Levy Imposition Act 1998

16 Paragraphs 9(3)(a) and (b)

Omit “reference base”, substitute “index reference period”.

Health Insurance Act 1973

17 Subsection 10A(10)

Omit “reference base” (wherever occurring), substitute “index reference period”.

Income Tax Assessment Act 1936

18 Subsection 159HA(6)

Omit “reference base” (wherever occurring), substitute “index reference period”.

19 Subsection 326-240(2) in Schedule 2H

Omit “reference base”, substitute “index reference period”.

20 Subsection 326-240(2) in Schedule 2H

Omit “new base”, substitute “new index reference period”.

Income Tax Assessment Act 1997

21 Subsection 960-280(3)

Omit “reference base”, substitute “index reference period”.

22 Subsection 960-280(3)

Omit “new base”, substitute “new index reference period”.

Interstate Road Transport Act 1985

23 Subsection 4A(3)

Omit “reference base” (wherever occurring), substitute “index reference period”.

Lands Acquisition Act 1989

24 Subsection 126(7)

Omit “reference base” (wherever occurring), substitute “index reference period”.

Life Insurance Supervisory Levy Imposition Act 1998

25 Paragraphs 8(3)(a) and (b)

Omit “reference base”, substitute “index reference period”.

Local Government (Financial Assistance) Act 1995

26 Subsection 8(1A)

Omit “reference base”, substitute “index reference period”.

27 Subsection 8(1A)

Omit “new base”, substitute “new index reference period”.

Migration Agents Registration Application Charge Act 1997

28 Paragraphs 7(5)(a) and (b)

Omit “reference base”, substitute “index reference period”.

Migration (Health Services) Charge Act 1991

29 Subsection 6(6)

Omit “reference base” (wherever occurring), substitute “index reference period”.

Migration (Visa Application) Charge Act 1997

30 Paragraphs 5(4)(a) and (b)

Omit “reference base”, substitute “index reference period”.

Military Rehabilitation and Compensation Act 2004

31 Paragraphs 404(5)(a) and (b)

Omit “reference base”, substitute “index reference period”.

National Health Act 1953

32 Subsection 99G(9)

Omit “reference base” (wherever occurring), substitute “index reference period”.

***Retirement Savings Account Providers Supervisory Levy
Imposition Act 1998***

33 Paragraphs 8(3)(a) and (b)

Omit “reference base”, substitute “index reference period”.

Safety, Rehabilitation and Compensation Act 1988

34 Subsection 13(3)

Omit “reference base” (wherever occurring), substitute “index reference period”.

Seafarers Rehabilitation and Compensation Act 1992

35 Subsection 23(3)

Omit “reference base” (wherever occurring), substitute “index reference period”.

Superannuation Act 1922

36 Subsection 120(3)

Omit “reference base” (wherever occurring), substitute “index reference period”.

Superannuation Act 1976

37 Subsection 147(3)

Omit “reference base” (wherever occurring), substitute “index reference period”.

Superannuation Supervisory Levy Imposition Act 1998

38 Paragraphs 8(3)(a) and (b)

Omit “reference base”, substitute “index reference period”.

Trust Recoupment Tax Assessment Act 1985

39 Subsection 12(6)

Omit “reference base” (wherever occurring), substitute “index reference period”.

Veterans’ Entitlements Act 1986

40 Subsection 5NA(3) (heading)

Repeal the heading, substitute:

Change to CPI index reference period

41 Subsection 5NA(3)

Omit “reference base” (wherever occurring), substitute “index reference period”.

42 Subsection 198(3)

Omit “reference base” (wherever occurring), substitute “index reference period”.

43 Subsection 198A(3)

Omit “reference base” (wherever occurring), substitute “index reference period”.

44 Subsection 198D(3)

Omit “reference base” (wherever occurring), substitute “index reference period”.

45 Subsection 198FA(3)

Omit “reference base” (wherever occurring), substitute “index reference period”.

Part 2—Gender-specific language

Parliamentary Presiding Officers Act 1965

46 Section 2 (paragraph (a) of the definition of *Deputy Presiding Officer*)

Omit “Chairman of Committees”, substitute “Chair of Committees”.

Public Works Committee Act 1969

47 Paragraph 7(5)(d)

Omit “the Chairman of Committees of the Senate”, substitute “the Chair of Committees of the Senate”.

Schedule 5—Repeal of spent and obsolete provisions

Administrative Decisions (Judicial Review) Act 1977

1 Paragraph (k) of Schedule 2

Omit:

Australian Honey Board
Australian Meat and Live-stock Corporation
Australian Wheat Board
Australian Wool Corporation

Note: This item omits redundant references.

Parliamentary Entitlements Act 1990

2 Sections 8, 13 and 14

Repeal the sections.

3 Saving

If an act or thing was made, or taken to be, lawful, valid or effectual to any extent immediately before the commencement of this item under a provision repealed by item 2 then the act or thing continues to be, or to be taken to be, lawful, valid or effectual to the same extent after the commencement of this item.

Schedule 6—Spent Acts

Captains Flat (Abatement of Pollution) Agreement Act 1975

1 The whole of the Act

Repeal the Act.

G20 (Safety and Security) Complementary Act 2014

2 The whole of the Act

Repeal the Act.

States Grants (Advanced Education) Act 1976

3 The whole of the Act

Repeal the Act.

States Grants (Science Laboratories) Act 1971

4 The whole of the Act

Repeal the Act.

Tasmania Agreement (Hydro-Electric Power Development) Act 1968

5 The whole of the Act

Repeal the Act.

Wheat Tax Regulations (Validation) Act 1987

6 The whole of the Act

Repeal the Act.

*[Minister's second reading speech made in—
House of Representatives on 18 March 2015
Senate on 12 October 2015]*

(34/15)
